THE HON'BLE SRI JUSTICE B.PRAKASH RAO

and

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT APPEAL No.1591 of 2002

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JUDGMENT: (per Sri B.Prakash Rao, J)

Heard both sides.

The appellant herein, who is unsuccessful in writ petition No.10209 of 2002, filed this appeal assailing the impugned order dated 11.06.2002, under which, her claim was not accepted by this Court mainly on the ground that the dispute in regard to the title and entitlement of pension of one Smt.K.Laxmi, who claims to be the first wife of the deceased is pending before the competent Court.

The main ground urged in the writ petition as well as in the writ appeal is that though O.P.No.13 of 1998, filed by the appellant, was decreed in her favour, stoppage of monthly widowed pension without any prior intimation is against the principles of natural justice. Therefore, sought for appropriate orders.

Having considered the submissions, the learned single Judge dismissed the writ petition on the ground that as A.S.No.51 of 2001 is pending before the District Judge, Vizianagaram, the question of entertaining the writ petition does not arise. It is always open for the petitioner to avail the remedies, if any, under the law.

Even now, the learned counsel appearing for the appellant submits that the appeal is still pending. Therefore, we do not find any reason to entertain the writ petition or the appeal as such, especially, when the appeal is still subjudice. Hence, the appeal is liable to be dismissed, and is accordingly dismissed. However, the District Judge, Vizianagarm is directed to dispose of A.S.No.51 of 2001, within a period of two months from the date of receipt of a copy of this order.

Office is directed to communicate a copy of this order to the District Judge, Vizianagarm.

(B. Prakash Rao, J)

09.09.2005

(Dr. G.Yethirajulu, J)

Note: CC by one week.

B/o

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